

WEDNESDAY, APRIL 9, 2003

TWENTY-EIGHTH LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 3:00 p.m., and was called to order by Mr. Speaker Wilder.

PRAYER

The proceedings were opened with prayer by the Reverend Quincy Hawkins of King Solomon Missionary Baptist Church in Jackson, Tennessee, a guest of Senator McLeary.

PLEDGE OF ALLEGIANCE

Senator Harper introduced the Schrader Lane Child Care Kindergarten who led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 33

Senators present were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--33.

STANDING COMMITTEE REPORTS

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 588 with amendment, 902, 940, 1175, 1389, 1787 and 1931 with amendment.

HENRY, Chairperson
April 8, 2003

The Speaker announced that he had referred Senate Bills Nos. 588 with amendment, 902, 940, 1175, 1389, 1787 and 1931 with amendment to Committee on Calendar.

STATE AND LOCAL GOVERNMENT

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 65, 195, 365, 421, 626, 629, 664, 751, 859, 1573 and 1603.

COHEN, Chairperson
April 8, 2003

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The Speaker announced that he had referred Senate Bills Nos. 65, 195, 365, 421, 626, 629, 664, 751, 859, 1573 and 1603 to Committee on Calendar.

COMMERCE, LABOR AND AGRICULTURE

MR. SPEAKER: Your Committee on Commerce, Labor and Agriculture begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 1391 and 1621 with amendment.

COOPER, Chairperson
April 8, 2003

The Speaker announced that he had referred Senate Bills Nos. 1391 and 1621 with amendment to Committee on Calendar.

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 806 with amendment, 1279 with amendment, 1531 with amendment, 1722 with amendment, 1932 with amendment and 1954; also, recommend that Senate Bill No. 1744 with amendment be referred to Committee on Finance, Ways and Means.

PERSON, Chairperson
April 8, 2003

The Speaker announced that he had referred Senate Bills Nos. 806 with amendment, 1279 with amendment, 1531 with amendment, 1722 with amendment, 1932 with amendment and 1954 to Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 1744 with amendment to Committee on Finance, Ways and Means.

EDUCATION

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 151 with amendment, 878, 1313 and 1974.

McNALLY, Chairperson
April 9, 2003

The Speaker announced that he had referred Senate Bills Nos. 151 with amendment, 878, 1313 and 1974 to Committee on Calendar.

TRANSPORTATION

MR. SPEAKER: Your Committee on Transportation begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 216, 682 with amendment, 1114 with amendment, 1765 with amendment, 1846 and 1977 with amendment; also, recommend

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that Senate Bills Nos. 61 with amendment, 384, 618 and 1189 be referred to Committee on Finance, Ways and Means.

WILLIAMS, Chairperson
April 9, 2003

The Speaker announced that he had referred Senate Bills Nos. 216, 682 with amendment, 1114 with amendment, 1765 with amendment, 1846 and 1977 with amendment to Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 61 with amendment, 384, 618 and 1189 to Committee on Finance, Ways and Means.

ENVIRONMENT, CONSERVATION AND TOURISM

MR. SPEAKER: Your Committee on Environment, Conservation and Tourism begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 840; also, recommend that Senate Bills Nos. 422 and 1199 with amendment be referred to Committee on Finance, Ways and Means.

MILLER, Chairperson
April 9, 2003

The Speaker announced that he had referred Senate Bills Nos. 840 and 1199 with amendment to Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 422 to Committee on Finance, Ways and Means.

GOVERNMENT OPERATIONS

MR. SPEAKER: Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 1029, 1031 and 1474; also, recommend that Senate Bill No. 1460 be referred to Committee on Finance, Ways and Means.

HARPER, Chairperson
April 9, 2003

The Speaker announced that he had referred Senate Bills Nos. 1029, 1031 and 1474 to Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 1460 to Committee on Finance, Ways and Means.

REPORT OF COMMITTEE ON DELAYED BILLS

Pursuant to Rule 27, the following bill was reported out of Committee on Delayed Bills: Senate Bill No. 2017.

WILDER, Chairperson
April 9, 2003

INTRODUCTION OF BILLS

The Speaker announced that the following bills were filed for introduction and passed first consideration:

Senate Bill No. 2015 by Senator Trail.

Animal Control -- Authorizes animal control director, instead of county trustee, in Rutherford County to collect animal registration fee and to post bond in sufficient amount to assure that funds collected are properly administered and paid over to county. Amends TCA Section 68-8-104.

Senate Bill No. 2016 by Senator Graves.

Portland -- Subject to local approval, establishes four-year term of office for city recorder. Amends Chapter 568 of the Private Acts of 1939; as amended.

Senate Bill No. 2017 by Senator Haynes.

Courts -- Authorizes criminal court judges in judicial district to appoint county paid criminal court magistrates to conduct arraignments, take guilty pleas, conduct probation revocation hearings and other routine matters directed judges. Amends TCA Title 16, Chapter 2 and Title 40, Chapter 5.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

House Bill No. 174 -- Taxes, Privilege -- Exempts full-time federal employees from occupational privilege tax. Amends Title 67, Chapter 4, Part 17.

House Bill No. 229 -- Highway Signs -- Nossi College of Art, various locations in Davidson County.

House Bill No. 448 -- Adoption -- Allows participants in relative caregiver program standing to file petition to terminate parental rights and to request termination of parental rights. Amends TCA Title 36, Chapter 1.

House Bill No. 455 -- Education, State Board of -- Requires one member of board be K-12 public school teacher. Amends TCA Section 49-1-301.

House Bill No. 474 -- Highway Signs -- "Roy Nance Manns Memorial Bridge", U.S. Highway 31A in Marshall County.

House Bill No. 542 -- Real Estate Agents and Brokers -- Requires that brokers, affiliate brokers, and timeshare salespersons file proof of timely compliance with all educational requirements and errors and omissions insurance requirements prior to license renewal or reinstatement. Amends TCA Title 62, Chapter 13, Part 3.

House Bill No. 596 -- Highway Signs -- "Dr. Earl Salhany Memorial Highway", S.R. 13 within City of Lobelville.

House Bill No. 661 -- Special License Plates -- Authorizes issuance of Alpha Delta Pi Sorority new specialty earmarked license plates; allocates 50 percent of funds derived from sale thereof to Alpha Delta Pi to benefit Ronald McDonald House Charities. Amends TCA Title 55, Chapter 4.

House Bill No. 744 -- County Officers -- Redesignates county executives as county mayors. Amends TCA Section 5-6-101.

House Bill No. 1023 -- Traffic Safety -- Requires operators to move left, if safe, when approaching emergency vehicle, violation punishable as Class C misdemeanor. Amends TCA Title 55, Chapter 8, Part 1.

House Bill No. 1030 -- Taxes, Ad Valorem -- Permits deferral of refund of property taxes, if refund significantly affects approved county budget. Amends TCA Section 67-5-1512 and Title 67, Chapter 5, Part 18.

House Bill No. 1039 -- Probate Law -- Deletes provision that Hardin County clerk is clerk responsible for probate and administration of estate matters rather than clerk and master and directs county clerk to transfer all probate-related files to clerk and master by August 1, 2003. Amends TCA Section 16-16-201.

House Bill No. 1177 -- State Symbols -- Designates Tennessee Aviation Hall of Fame and affiliated Tennessee Museum of Aviation as official state repository and archive for aviation history. Amends TCA Title 4, Chapter 1, Part 3.

House Bill No. 1819 -- Motor Vehicles -- Permits use of continuously flashing light systems on motorcycles; defines "continuously flashing light system" as system in which brake lamp pulses rapidly for 1-2 seconds when brake is applied, then converts to continuous light like normal brake lamp. Amends TCA Title 55, Chapter 9.

House Bill No. 2082 -- Decherd -- Subject to local approval, permits board of mayor and aldermen to establish mayor and aldermen salaries by ordinance; revises city election cycle to coincide with county election. Amends Chapter 318 of the Acts of 1901; as amended.

SENATE BILLS ON SECOND CONSIDERATION

The Speaker announced that the following bills passed second consideration and were referred to the appropriate committee:

Senate Bill No. 2013 held on desk.

Senate Bill No. 2014 held on desk.

INTRODUCTION OF RESOLUTIONS

The Speaker announced the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 252 by Senator Graves.
Memorials, Academic Achievement -- Heather Bowington, Valedictorian, Jo Byrns School.

Senate Joint Resolution No. 253 by Senator Graves.
Memorials, Academic Achievement -- Kathryn Richards, Salutatorian, Jo Byrns School.

Senate Joint Resolution No. 254 by Senator McLeary.
Memorials, Professional Achievement -- Gibson County Utility District, 50th anniversary.

Senate Joint Resolution No. 255 by Senator Burks.
Naming and Designating -- "Police Memorial Day", May 15, 2003, "Police Memorial Week", May 11-17, 2003.

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Senate Joint Resolution No. 256 by Senator Kyle.

Memorials, Academic Achievement -- April L. Sutherland, Valedictorian, Treadwell High School.

Senate Joint Resolution No. 257 by Senator Kyle.

Memorials, Academic Achievement -- Phung Ngo, Salutatorian, Treadwell High School.

Senate Joint Resolution No. 258 by Senator McNally.

Memorials, Death -- George Allen Mills, Sr.

Senate Joint Resolution No. 259 by Senators McNally, Norris, Atchley, Beavers, Bryson,

Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, Miller, Person, Ramsey, Southerland, Trail, Mr. Speaker Wilder and Williams.

Naming and Designating -- Designates September 11 as "Emergency Responders' Day" in Tennessee.

Senate Joint Resolution No. 260 by Senators McNally, Norris, Atchley, Beavers, Bryson,

Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, Miller, Person, Ramsey, Southerland, Trail, Mr. Speaker Wilder and Williams.

Naming and Designating -- Establishes Sunday falling during National Fire Prevention Week in October as "Firefighters' Memorial Day" in Tennessee.

Senate Resolution No. 30 by Senator Dixon.

Memorials, Congratulations -- Memphis Zoo, YaYa and LeLe Panda Bears.

Senate Resolution No. 31 by Senator Williams.

Memorials, Professional Achievement -- Ron Kerr.

Senate Resolution No. 32 by Senator Williams.

Memorials, Death -- Fred H. Holloway.

Senate Resolution No. 33 by Senator McLeary.

Memorials, Sports -- Trenton-Peabody High School girls basketball team.

RESOLUTIONS LYING OVER

House Joint Resolution No. 277 -- Memorials, Personal Achievement -- Chris Phillips,

Eagle Scout.

The Speaker announced that he had referred House Joint Resolution No. 277 to Committee on Calendar.

House Joint Resolution No. 279 -- Memorials, Professional Achievement -- John A. Hobbs.

The Speaker announced that he had referred House Joint Resolution No. 279 to Committee on Calendar.

House Joint Resolution No. 280 -- Memorials, Personal Occasion -- Kathleen Banks, 100th

birthday.

The Speaker announced that he had referred House Joint Resolution No. 280 to Committee on Calendar.

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House Joint Resolution No. 281 -- Memorials, Academic Achievement -- Audrey Blair, Salutatorian, Trousdale County High School.

The Speaker announced that he had referred House Joint Resolution No. 281 to Committee on Calendar.

House Joint Resolution No. 282 -- Memorials, Academic Achievement -- Tommy Anthony Gregory, Valedictorian, Trousdale County High School.

The Speaker announced that he had referred House Joint Resolution No. 282 to Committee on Calendar.

House Joint Resolution No. 283 -- Memorials, Academic Achievement -- Erica Jackson, Valedictorian, Lewis County High School.

The Speaker announced that he had referred House Joint Resolution No. 283 to Committee on Calendar.

House Joint Resolution No. 284 -- Memorials, Academic Achievement -- Brittany Lynette Galloway, Salutatorian, Lewis County High School.

The Speaker announced that he had referred House Joint Resolution No. 284 to Committee on Calendar.

House Joint Resolution No. 285 -- Memorials, Professional Achievement -- Joseph Peay, CEO of Murfreesboro Medical Clinic.

The Speaker announced that he had referred House Joint Resolution No. 285 to Committee on Calendar.

House Joint Resolution No. 286 -- Memorials, Personal Occasion -- Dan and Stella Lowe, 60th wedding anniversary.

The Speaker announced that he had referred House Joint Resolution No. 286 to Committee on Calendar.

House Joint Resolution No. 287 -- Memorials, Sports -- Heritage High School volleyball team.

The Speaker announced that he had referred House Joint Resolution No. 287 to Committee on Calendar.

House Joint Resolution No. 288 -- Memorials, Death -- Edward John "Jack" Hopton.

The Speaker announced that he had referred House Joint Resolution No. 288 to Committee on Calendar.

House Joint Resolution No. 289 -- Memorials, Personal Occasion -- Gene and Bobbie Caldwell, 50th anniversary.

The Speaker announced that he had referred House Joint Resolution No. 289 to Committee on Calendar.

House Joint Resolution No. 290 -- Memorials, Professional Achievement -- Doug Dickey, TSSAA Hall of Fame.

The Speaker announced that he had referred House Joint Resolution No. 290 to Committee on Calendar.

House Joint Resolution No. 291 -- Memorials, Professional Achievement -- Charter Communications, 10th anniversary.

The Speaker announced that he had referred House Joint Resolution No. 291 to Committee on Calendar.

House Joint Resolution No. 292 -- Memorials, Personal Occasion -- Alyson Dowda and Clinton Rudolph, wedding.

The Speaker announced that he had referred House Joint Resolution No. 292 to Committee on Calendar.

House Joint Resolution No. 293 -- Memorials, Heroism -- U.S. Marine Corporal Patrick Nixon.

The Speaker announced that he had referred House Joint Resolution No. 293 to Committee on Calendar.

House Joint Resolution No. 294 -- Memorials, Personal Achievement -- Jonathan Cochran, U.S. Military Academy.

The Speaker announced that he had referred House Joint Resolution No. 294 to Committee on Calendar.

House Joint Resolution No. 295 -- Memorials, Death -- Roxie O. Buckles.

The Speaker announced that he had referred House Joint Resolution No. 295 to Committee on Calendar.

House Joint Resolution No. 296 -- Memorials, Sports -- Elizabethton High School boys' basketball team.

The Speaker announced that he had referred House Joint Resolution No. 296 to Committee on Calendar.

Senate Joint Resolution No. 236 -- Memorials, Academic Achievement -- Mari Martin, Salutatorian, Gallatin High School.

The Speaker announced that he had referred Senate Joint Resolution No. 236 to Committee on Calendar.

Senate Joint Resolution No. 237 -- Memorials, Academic Achievement -- Amanda Hester, Valedictorian, Gallatin High School.

The Speaker announced that he had referred Senate Joint Resolution No. 237 to Committee on Calendar.

Senate Joint Resolution No. 238 -- General Assembly, Directed Studies -- Requires State Board of Education to submit to Select Oversight Committee on Education preliminary and end-of-school-year reports relative to implementation of special education case load and class size standards.

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The Speaker announced that he had referred Senate Joint Resolution No. 238 to Committee on Education.

Senate Joint Resolution No. 241 -- Highway Signs -- "James Byrd Reed Memorial Bridge", S.R. 81 South bridge in Jonesborough, Washington County.

The Speaker announced that he had referred Senate Joint Resolution No. 241 to Committee on Transportation.

Senate Joint Resolution No. 242 -- Highway Signs -- "Jason Jackson Bridge", U.S. Hwy 43 in Lawrence County.

The Speaker announced that he had referred Senate Joint Resolution No. 242 to Committee on Transportation.

Senate Joint Resolution No. 243 -- Memorials, Death -- Robert Lee Littleton, Sr.

The Speaker announced that he had referred Senate Joint Resolution No. 243 to Committee on Calendar.

Senate Joint Resolution No. 244 -- Memorials, Death -- Colonel Phillip Lovell Hooper.

The Speaker announced that he had referred Senate Joint Resolution No. 244 to Committee on Calendar.

Senate Joint Resolution No. 245 -- Memorials, Death -- George Everett Jackson, Sr.

The Speaker announced that he had referred Senate Joint Resolution No. 245 to Committee on Calendar.

Senate Joint Resolution No. 246 -- Memorials, Death -- Richard Fernett.

The Speaker announced that he had referred Senate Joint Resolution No. 246 to Committee on Calendar.

Senate Joint Resolution No. 247 -- Memorials, Academic Achievement -- Taha Jan, Valedictorian, Kingsbury High School.

The Speaker announced that he had referred Senate Joint Resolution No. 247 to Committee on Calendar.

Senate Joint Resolution No. 248 -- Memorials, Retirement -- Judge Ben Cantrell.

The Speaker announced that he had referred Senate Joint Resolution No. 248 to Committee on Calendar.

Senate Joint Resolution No. 249 -- Memorials, Academic Achievement -- Qiaohua Lin, Salutatorian, Kingsbury High School.

The Speaker announced that he had referred Senate Joint Resolution No. 249 to Committee on Calendar.

Senate Joint Resolution No. 250 -- Memorials, Academic Achievement -- Kelly Reed, Valedictorian, Craigmont High School.

The Speaker announced that he had referred Senate Joint Resolution No. 250 to Committee on Calendar.

Senate Joint Resolution No. 251 -- Memorials, Academic Achievement -- Amy Wu, Salutatorian, Craigmont High School.

The Speaker announced that he had referred Senate Joint Resolution No. 251 to Committee on Calendar.

Senate Resolution No. 27 -- Memorials, Sports -- Ron Slay, University of Tennessee basketball.

The Speaker announced that he had referred Senate Resolution No. 27 to Committee on Calendar.

Senate Resolution No. 28 -- Memorials, Sports -- Peabody High School girls' basketball team.

The Speaker announced that he had referred Senate Resolution No. 28 to Committee on Calendar.

Senate Resolution No. 29 -- Memorials, Congratulations -- Sigma Gamma Rho Debutante Cotillion 50th anniversary.

The Speaker announced that he had referred Senate Resolution No. 29 to Committee on Calendar.

MOTION

Senator McLeary moved that the rules be suspended for the immediate consideration of **Senate Resolution No. 33**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Resolution No. 33 -- Memorials, Sports -- Trenton-Peabody High School girls basketball team.

On motion of Senator McLeary, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Resolution No. 33** was adopted by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

CONSENT CALENDAR NO. 1

House Joint Resolution No. 269 -- Memorials, Academic Achievement -- Keri Mahaffey, Valedictorian, Station Camp High School.

House Joint Resolution No. 270 -- Memorials, Academic Achievement -- Rosanna VanEs, Salutatorian, Station Camp High School.

House Joint Resolution No. 272 -- Memorials, Academic Achievement -- Steven Lawson, Valedictorian, Watertown High School.

House Joint Resolution No. 273 -- Memorials, Academic Achievement -- Kenneth Fuston, Salutatorian, Watertown High School.

House Joint Resolution No. 275 -- Memorials, Sports -- Jackson County High School girls' basketball, State Champions.

House Joint Resolution No. 276 -- Memorials, Professional Achievement -- Rev. Sherman Helton, Sr., 25 years at New Hope Baptist Church.

Senate Joint Resolution No. 215 -- Memorials, Death -- Dayton Lester.

Senate Joint Resolution No. 222 -- Memorials, Academic Achievement -- Erica McCaleb, Salutatorian, Westmoreland High School.

Senate Joint Resolution No. 223 -- Memorials, Academic Achievement -- William Spears, Salutatorian, Westmoreland High School.

Senate Joint Resolution No. 224 -- Memorials, Academic Achievement -- Michael Scott York, Salutatorian, Westmoreland High School.

Senate Joint Resolution No. 225 -- Memorials, Academic Achievement -- Brittiny Deanna Williams, Valedictorian, Westmoreland High School.

Senate Joint Resolution No. 226 -- Memorials, Academic Achievement -- Ashley Shanay Pedigo, Valedictorian, Westmoreland High School.

Senate Joint Resolution No. 227 -- Memorials, Academic Achievement -- Timothy Clay Dickerson, Valedictorian, Westmoreland High School.

Senate Joint Resolution No. 228 -- Memorials, Academic Achievement -- Jessica Shea Chambers, Valedictorian, Westmoreland High School.

Senate Joint Resolution No. 229 -- Memorials, Academic Achievement -- Benjamin Owen Hankemeier, Valedictorian, Westmoreland High School.

Senate Resolution No. 26 -- Memorials, Interns -- Samuel Christian, Jr.

Senator Crowe moved that all Senate Joint Resolutions and Senate Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

CONSENT CALENDAR NO. 2

Senate Bill No. 950 -- Sunset Laws -- Public television council, June 30, 2009. Amends TCA Title 4, Chapter 29 and Title 49, Chapter 50.

Senate Bill No. 1650 -- Sunset Laws -- Department of transportation, June 30, 2005. Amends TCA Title 4, Chapter 29.

Senator Crowe moved that all Senate Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 33
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

LOCAL BILL
CONSENT CALENDAR

Senate Bill No. 1996 -- Bells -- Subject to local approval, establishes position of vice mayor. Amends Chapter 80 of the Private Acts of 1993.

On motion, Senate Bill No. 1996 was made to conform with **House Bill No. 2077**.

On motion, House Bill No. 2077, on same subject, was substituted for Senate Bill No. 1996.

Senate Bill No. 1999 -- Hamblen County -- Subject to local approval, requires county road fund warrants to be signed by county executive and counter-signed by finance director. Amends Chapter 161 of the Private Acts of 1996.

On motion, Senate Bill No. 1999 was made to conform with **House Bill No. 2079**.

On motion, House Bill No. 2079, on same subject, was substituted for Senate Bill No. 1999.

Senate Bill No. 2000 -- Rutherford County -- Subject to local approval, creates human resources department.

On motion, Senate Bill No. 2000 was made to conform with **House Bill No. 2078**.

On motion, House Bill No. 2078, on same subject, was substituted for Senate Bill No. 2000.

Senate Bill No. 2003 -- Grainger County -- Subject to local approval, revises procedures for budgeting and financial management. Amends Chapter 502 of the Private Acts of 1939; as amended, and Chapter 232 of the Private Acts of 1980; as amended.

On motion, Senate Bill No. 2003 was made to conform with **House Bill No. 2080**.

On motion, House Bill No. 2080, on same subject, was substituted for Senate Bill No. 2003.

Senate Bill No. 2004 -- Sumner County -- Subject to local approval, provides that sheriff shall be named to financial management committee in lieu of superintendent of highways or director of schools if highway department or education department is opted out of Financial Management System Act. Amends Chapter 113 of the Private Acts of 2002.

Senate Bill No. 2009 -- White Bluff -- Subject to local approval, abolishes and rewrites charter of Town of White Bluff. Amends Chapter 257 of the Private Acts of 1923; as amended.

On motion, Senate Bill No. 2009 was made to conform with **House Bill No. 2081**.

On motion, House Bill No. 2081, on same subject, was substituted for Senate Bill No. 2009.

Senator Crowe moved that all Senate Bills and House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

CALENDAR

Senator Burchett moved that **Senate Bill No. 720** be placed on the calendar for Monday, April 14, 2003, which motion prevailed.

Senator Harper moved that **Senate Bill No. 949** be moved three places down on the calendar for today, which motion prevailed.

Senate Bill No. 1927 -- Sports -- Removes requirement that professional boxing match be sponsored by patriotic organization; defines amateur boxing match; makes other revisions to boxing provisions. Amends TCA Title 68, Chapter 115.

Senate Bill No. 1927 passed its third and final consideration by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

Senator Graves moved that **Senate Bill No. 1930** be placed on the calendar for Monday, April 14, 2003, which motion prevailed.

Senate Bill No. 1978 -- Salaries and Benefits -- Authorizes Commissioner of Labor and Workforce Development after notice and opportunity for hearing to assess civil penalties for wage violations. Amends TCA Title 50, Chapter 2.

Senator Cooper moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 50-2-103, is amended by deleting the period (.) at the end of the next to last sentence of subsection (h) and by substituting instead the language "and may be assessed at the discretion of the commissioner, or the commissioner's designated representative."

SECTION 2. Tennessee Code Annotated, Section 50-2-104, is amended by deleting the period (.) at the end of the next to the last sentence of the section and substituting instead the following language "and may be assessed at the discretion of the commissioner, or the commissioner's designated representative."

SECTION 3. Tennessee Code Annotated, Title 50, Chapter 2, Part 1, is amended by adding the following new section:

50-2-109. (a) If, within thirty (30) days from the receipt of written notification of penalties assessed pursuant to this part, an employer fails to notify the commissioner in writing of its intent to contest the imposition of such penalty, the assessment of penalty as stated in the notification shall be deemed a final order of the commissioner, and not subject to further review.

(b) All penalties owed under this part shall be paid to the commissioner.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 1978**, as amended, passed its third and final consideration by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

Senate Bill No. 1979 -- Labor -- Makes order of Commissioner of Labor imposing civil penalties of less than \$10,000 in aggregate for violations of child labor laws final order under UAPA. Amends TCA Title 50, Chapter 5.

Senator Cooper moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 50-5-112, is amended by deleting the period (.) at the end of the next to the last sentence of subsection (a) and substituting instead the following language: "and may be assessed at the discretion of the commissioner, or the commissioner's designated representative."

SECTION 2. Tennessee Code Annotated, Section 50-5-112, is further amended by adding the following new subsections thereto:

(g) If, within thirty (30) days from the receipt of written notification of penalties assessed pursuant to this chapter, an employer fails to notify the commissioner in writing of its intent to contest the imposition of such penalty, the assessment of penalty as stated in the notification shall be deemed a final order of the commissioner, and not subject to further review.

(h) All penalties owed under this chapter shall be paid to the commissioner.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 1979**, as amended, passed its third and final consideration by the following vote:

Ayes 33
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

Senate Bill No. 949 -- Sunset Laws -- Department of veterans' affairs, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 4, Chapter 3.

AMENDMENT NO. 1

AMEND by deleting Section 2 of the printed bill in its entirety and by substituting instead the following new language:

SECTION 2. Tennessee Code Annotated, Section 4-29-230(a), is amended by adding a new item thereto, as follows:

() Department of veterans' affairs, created by § 4-3-101;

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 949**, as amended, passed its third and final consideration by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

Senate Bill No. 1980 -- Employees, Employers -- Requires posting of workplace chemical list and review of such list by employee. Amends TCA Title 50, Chapter 3.

Senator Cooper moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 50-3-2015, is amended by deleting in its entirety subsection (a)(3) and by substituting instead the following:

(a)(3) The workplace chemical list shall be filed with the commissioner within ninety-six (96) hours of a request by an authorized representative of the commissioner.

SECTION 2. Tennessee Code Annotated, Section 50-3-2015, is amended by deleting in its entirety subsection (b)(4) and by substituting instead the following:

(b)(4) The workplace chemical list shall be filed with the commissioner within ninety-six (96) hours of a request by an authorized representative of the commissioner.

SECTION 3. Tennessee Code Annotated, Section 50-3-2015, is amended by deleting the first sentence of subsection (d) in its entirety and by substituting instead the following:

The Department of Labor and Workforce Development shall provide the following information and services:

SECTION 4. Tennessee Code Annotated, Section 50-3-2015, is amended by deleting in its entirety subsection (d)(2) and by substituting instead the following:

(d)(2) A copy of the workforce chemical list shall be available for inspection by the public during regular office hours at the division's central office or any division field office. Such copy must be requested by the public and received by the division as specified by this section.

SECTION 5. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 1980**, as amended, passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

Senate Bill No. 526 -- Powers of Attorney -- Enacts "Power of Attorney for Care of a Minor Child Act". Amends TCA Title 34, Chapter 6; Section 37-1-140 and Section 49-6-3001.

Senator Person moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 34, Chapter 6, is amended by adding the following language as a new, appropriately designated part:

§ 34-6-301. This part shall be known and may be cited as the "Power of Attorney for Care of a Minor Child Act".

§ 34-6-302. A parent or parents of a minor child may delegate to any adult person residing in this state temporary care-giving authority regarding the minor child when hardship prevents the parent or parents from caring for the child. This authority may be delegated without the approval of a court by executing in writing a power of attorney for care of a minor child on a form provided by the Department of Children's Services. Hardships may include but are not limited to:

(1) The serious illness or incarceration of a parent or legal guardian;

(2) The physical or mental condition of the parent or legal guardian or the child is such that care and supervision of the child cannot be provided; or

(3) The loss or uninhabitability of the child's home as the result of a natural disaster.

The power of attorney for care of the minor child shall be signed and acknowledged before a notary public by the parent. For purposes of this part the term "parent" includes a legal guardian or legal custodian of the minor child.

§ 34-6-303. The instrument providing for the power of attorney shall be executed by both parents, if both parents are living and have legal custody of the minor child and shall state with specificity the details of the hardship preventing the parent from caring for the child. If only one (1) parent has legal custody of the minor child, then such parent shall execute the instrument. The other parent must consent in writing to the appointment in the instrument or the executing parent shall explain in the instrument why the consent cannot be obtained. If both parents do not execute the affidavit, then the executing parent shall send by certified mail, return receipt requested, to the other parent at the last known address, a copy of the instrument and a notice of the provisions of § 34-6-305.

§ 34-6-304. (a) Through the power of attorney for care of a minor child, the parent may authorize the caregiver to perform the following functions without limitation: enroll the child in school and extracurricular activities; obtain medical, dental and mental health treatment for the child; and provide for the child's food, lodging, housing, recreation and travel. Nothing contained in this section shall be construed to limit the power of the parent to grant additional powers to the caregiver.

(b) The caregiver shall have the right to enroll the minor child in the local education agency serving the area where the caregiver resides. The local education agency shall allow a caregiver with a properly executed power of attorney for care of a minor child to enroll the minor child but, prior to enrollment, may require documentation of the minor child's residence with a caregiver or documentation or other verification of the validity of the stated hardship. Except where limited by federal law, the caregiver shall be assigned the rights, duties and responsibilities that would otherwise be assigned to the parent, legal guardian or legal custodian pursuant to Title 49.

(c) Further, any adult accepting the power of attorney, as well as the parent, guardian, or other legal custodian, who enrolls a student in a school system while fraudulently representing the child's current residence or the parent's hardship or circumstances for issuing the power of attorney, is liable for restitution to the school district for an amount equal to the per pupil expenditure for the district in which the student is fraudulently enrolled. Restitution shall be cumulative for each year the child has been fraudulently enrolled in the system. Such restitution shall be payable to the school district and, when litigation is necessary to recover the restitution, the power of attorney, parent, guardian or other legal custodian shall be liable for the costs and fees, including attorney's fees, of the school district. Such an action for restitution shall be brought by or on behalf of the district in the circuit or chancery court in which the district is located within one (1) year of the date the fraudulent misrepresentation was discovered.

§ 34-6-305. The power of attorney does not provide legal custody to the caregiver; provided, if at any time the parent or legal guardian disagrees with the decision of the caregiver or chooses to make any healthcare or educational decisions for the minor child, the parent must revoke the power of attorney and provide the health care provider and local education agency either written documentation of the revocation or a court order appointing a legal guardian or legal custodian.

§ 34-6-306. The power of attorney for care of a minor child may be terminated by an instrument in writing signed by either parent with legal custody. The power of attorney for care of a minor child may also be terminated by any order of a court of competent jurisdiction that appoints a legal guardian or legal custodian.

§ 34-6-307. The decision of a caregiver to consent to or to refuse medical, dental or mental health care for a minor child shall be superseded by any contravening decision of the parent having legal custody of the minor child; provided, the decision of the parent does not jeopardize the life, health, or safety of the minor child. If at any time the parent or legal guardian disagrees with the decision of the caregiver or chooses to make any healthcare decisions for the minor child, then the parent must revoke the power of attorney for care of a minor child and provide the health care provider written documentation of the revocation.

§ 34-6-308. No person, school official or health care provider who acts in good faith reliance on a power of attorney for care of a minor child to enroll the child in school or to provide medical, dental or mental health care, without actual knowledge of facts contrary to those authorized, is subject to criminal liability or to civil liability to any person, or is subject to professional disciplinary action, for such reliance. This section shall apply even if medical, dental, or mental health care is provided to a minor child or the child is enrolled in a school in contravention of the wishes of the parent with legal custody of the minor child, as long as the person, school official or health care provider has been provided a copy of an appropriately executed power of attorney for care of a minor child, and has not been provided written documentation that the parent has revoked the power of attorney for care of a minor child.

§ 34-6-309. If the minor child ceases to reside with the caregiver, then the caregiver shall notify any person, school or health care provider that has been provided the power of attorney for care of a minor child.

§ 34-6-310. A person who relies on the power of attorney for care of a minor child has no obligation to make any further inquiry or investigation. Nothing in this part shall relieve any individual from liability for violations of other provisions of law.

SECTION 2. Tennessee Code Annotated, Section 37-1-140, is amended by designating the current language as subsection (a), and by adding the following new subsection:

(b) As an alternative to a parent or guardian transferring legal custody pursuant to this section or as otherwise provided by law, a parent or guardian may temporarily provide for the care of a child by executing a power of attorney for care of minor child, pursuant to, Title 34, Chapter 6, Part 3.

SECTION 3. Tennessee Code Annotated, Section 49-6-3001(c), is amended by adding the following language as a new, appropriately designated subdivision:

(6) Notwithstanding any other law to the contrary, a person designated as a caregiver with the power of attorney for care of a minor child pursuant to Title 34, Chapter 6, Part 3, shall have the right to enroll the minor child in the local education agency serving the area where the caregiver resides. The local education agency shall allow a caregiver with a properly executed power of attorney for care of a minor child, pursuant to Title 34, Chapter 6, Part 3, to enroll the minor child, but may require documentation of the minor child's residence with a caregiver and/or documentation or other verification of the validity of the stated hardship prior to enrollment. If the minor child ceases to reside with the caregiver, then the caregiver shall notify any person, school or health care provider that has been provided documentation of the power of attorney for care of a minor child. Except where limited by federal law, the caregiver shall be assigned the rights, duties and responsibilities that would otherwise be assigned to the parent, legal guardian or legal custodian pursuant to Title 49. If at any time the parent or legal guardian disagrees with the decision of the caregiver or chooses to make any educational decisions for the minor child, then the parent must revoke the power of attorney and provide the local education agency written documentation of the revocation.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 526**, as amended, passed its third and final consideration by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

Senator Williams moved that **Senate Bill No. 578** be rereferred to the Committee on Transportation, which motion prevailed by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--33.

Senate Bill No. 791 -- Clerks, Court -- Transfers, by July 1, 2006, juvenile court clerk functions from county clerk to general sessions court clerk in counties where general sessions court is also juvenile court. Amends TCA Section 37-1-210 and Section 37-1-211.

Senator Person moved to amend as follows:

AMENDMENT NO. 1

AMEND by inserting the following new section immediately preceding the last section of the printed bill and by renumbering the final section accordingly:

SECTION 4. The provisions of this act shall not apply in any county having a population of not less than sixty-two thousand three hundred (62,300) nor more than sixty-two thousand four hundred (62,400), according to the 2000 federal census or any subsequent federal census.

On motion, the amendment was adopted.

Senator Williams moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. The provisions of this act shall not apply in any county having a population of not less than 17,800 nor more than 17,875 according to the 2000 federal census or any subsequent federal census.

On motion, the amendment was adopted.

Senator Williams moved to amend as follows:

AMENDMENT NO. 3

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. The provisions of this act shall not apply in any county having a population of not less than twenty-nine thousand eight hundred (29,800) nor more than twenty-nine thousand nine hundred (29,900) according to the 2000 federal census or any subsequent federal census.

On motion, the amendment was adopted.

Senator Norris moved to amend as follows:

AMENDMENT NO. 4

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. The provisions of this act shall not apply in any county having a population of not less than thirty seven thousand, two hundred (37,200) nor more than thirty seven thousand, three hundred (37,300) according to the 2000 federal census or any subsequent federal census.

On motion, the amendment was adopted.

Senator Burks moved to amend as follows:

AMENDMENT NO. 5

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 37-1-210, is amended by designating the existing language as subsection (a) and by adding the following new subsection (b):

() Notwithstanding the provisions of subsection (a) of this section, the clerk who is serving as clerk of the court with juvenile jurisdiction in any county having a population of not less than forty-six thousand eight hundred (46,800) nor more than forty-six thousand nine hundred (46,900) according to the 2000 federal census of population or any subsequent federal census on June 30, 2003, shall continue to serve as the clerk of the court with juvenile jurisdiction after the effective date of this act.

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 791**, as amended, passed its third and final consideration by the following vote:

Ayes 33
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

Senate Bill No. 792 -- Clerks, Court -- Transfers, effective by July 1, 2006, clerk functions of county clerk relative to probate matters to clerk of court that has probate jurisdiction or clerk and master. Amends TCA Title 16, Chapter 16 and Title 18, Chapter 6.

Senator Person moved to amend as follows:

AMENDMENT NO. 1

AMEND by inserting the following new section immediately preceding the last section of the printed bill and by renumbering the final section accordingly:

SECTION 6. The provisions of this act shall not apply in counties having a population, according to the 2000 federal census or any subsequent federal census of:

not less than:

62,300

182,000

nor more than:

62,400

182,100

AND FURTHER AMEND by deleting the first sentence of the final section and by substituting instead the following:

Sections 1, 2, and 6 of this act shall take effect July 1, 2003, the public welfare requiring it.

On motion, the amendment was adopted.

Senator Norris moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

The provisions of this act shall not apply in any county having a population of not less than twenty-seven thousand, one hundred (27,100) nor more than twenty-seven thousand, two hundred (27,200) according to the 2000 federal census or any subsequent federal census.

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 792**, as amended, passed its third and final consideration by the following vote:

Ayes 33

Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

Senate Bill No. 836 -- Managed Care Organizations -- Requires HMOs providing utilization review services for mental health and chemical dependency care for their own enrollees to comply with provisions of Title 56, Chapter 7 regarding utilization review services for such care. Amends TCA Title 56.

On motion, Senate Bill No. 836 was made to conform with **House Bill No. 1771**.

On motion, House Bill No. 1771, on same subject, was substituted for Senate Bill No. 836.

Senator Graves moved that Amendment No. 1 be withdrawn, which motion prevailed.

Senator Cooper moved that Amendment No. 2 be withdrawn, which motion prevailed.

Thereupon, **House Bill No. 1771** passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

Senate Bill No. 987 -- Real Property -- Prohibits declarations and governing documents of common interest developments from limiting, prohibiting, or being construed to limit or prohibit, proper display of United States flag on owner's separately owned real property or in exclusive use common area; awards prevailing party reasonable attorneys' fees and costs. Amends TCA Title 13 and Title 66, as amended.

Senator Henry moved to amend as follows:

AMENDMENT NO. 2

AMEND by inserting the language "or the state flag of Tennessee" in the preamble of the introduced bill after the language "display a flag of the United States" and before the language "on their separately".

AND FURTHER AMEND by inserting the language "or the state flag of Tennessee" in Section 2 after the language "display a flag of the United States" and before the language "on their separately".

AND FURTHER AMEND by inserting the language "or the state flag of Tennessee" in Section 3 after the language "display the flag of the United States" and before the language "by an owner".

AND FURTHER AMEND by deleting the period (.) at the end of Section 4 and adding the following language:

and such display of the state flag of Tennessee shall be in accordance with § 4-1-301(c).

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 987**, as amended, passed its third and final consideration by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

Senate Bill No. 1567 -- Game and Fish Laws -- Authorizes wildlife resources commission to permit licensed trappers to release small game animals; increases fine from maximum of \$500 to maximum of \$1,000 for illegally taking, possessing or destroying wildlife. Amends TCA Title 70, Chapter 1 and Title 70, Chapter 4.

On motion, Senate Bill No. 1567 was made to conform with **House Bill No. 1048**.

On motion, House Bill No. 1048, on same subject, was substituted for Senate Bill No. 1567.

Senator Haynes moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting from amendatory subsection (c) of Section 2 of the printed bill, the following language: "In addition to the period of incarceration authorized by § 40-35-111, a violation of this section may be punished by a fine not to exceed one thousand dollars (\$1,000)."

On motion, the amendment was adopted.

Senator Miller moved that Amendment No. 2 be withdrawn, which motion prevailed.

Thereupon, **House Bill No. 1048**, as amended, passed its third and final consideration by the following vote:

Ayes 33
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

MOTION

Senator Cooper moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 1610** on the calendar for the Committee on Commerce, Labor and Agriculture for Tuesday, April 15, 2003, which motion prevailed by the following vote:

Ayes 33
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--33.

MOTION

Senator Person moved that the rules be suspended for the immediate consideration of **House Joint Resolution No. 278**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 278 -- Memorials, Retirement -- Rex Waits.

On motion of Senator Person, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 278** was concurred in.

A motion to reconsider was tabled.

RECALL OF BILL

On motion of Senator McNally, **Senate Bill No. 1275** was recalled from the Committee on Transportation.

REFERRAL

On motion of Senator McNally, Senate Bill No. 1275 was referred to the Committee on Environment, Conservation and Tourism.

MOTION

Senator Crutchfield moved that the Proposed Schedule for the week of April 14, 2003, be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--31.

**TENNESSEE STATE SENATE
103rd GENERAL ASSEMBLY**

**PROPOSED SCHEDULE
FOR THE WEEK OF APRIL 14, 2003**

MONDAY – April 14

5:00 p.m.

Session – Senate Chamber

WEDNESDAY, APRIL 9, 2003 -- 28TH LEGISLATIVE DAY

TUESDAY – April 15

8:30 a.m. – 12:30 p.m.	Finance, Ways & Means Committee
12:30 p.m. – 1:30 p.m.	Lunch
1:30 p.m. – 3:30 p.m.	Commerce, Labor & Agriculture Committee
3:30 p.m. – 5:30 p.m.	Judiciary Committee

WEDNESDAY – April 16

8:30 a.m. – 9:30 a.m.	Education Committee
9:30 a.m. – 10:30 a.m.	General Welfare, Health & Human Resources
10:30 a.m. – 12:00 noon	Environment, Conservation & Tourism Committee
12:00 noon – 12:30 p.m.	Lunch
12:30 p.m. – 1:30 p.m.	Transportation Committee
1:30 p.m. – 2:30 p.m.	Government Operations Committee
2:30 p.m.	Senate Caucuses
3:00 p.m.	Session – Senate Chamber

THURSDAY – April 17

NO SENATE SESSION

OTHER MEETINGS:

Monday, April 14, 2003 – Sub-Committee on Tort Reform
2:00 p.m. – 4:00 p.m. – Room 12/14 LP

Tuesday, April 15, 2003 – Commerce, Labor & Agriculture Pre-Meeting
7:30 a.m. – Third Floor Conference Room

Wednesday, April 16, 2003 – Sub-Committee on Drugs
LP 1 Conference Room

NOTE: State & Local Government – Will not meet

MOTION

On motion of Senator Ford, his name was added as sponsor of **Senate Bill No. 1685**.

On motion of Senator Cooper, his name was added as sponsor of **Senate Bill No. 1744**.

On motion of Senators Graves and Beavers, their names were added as sponsors of **House Joint Resolutions Nos. 269 and 270; and Senate Joint Resolutions Nos. 222, 223, 224, 225, 226, 227, 228 and 229**.

On motion of Senator Beavers, her name was added as sponsor of **House Joint Resolutions Nos. 272 and 273**.

On motion of Senator Dixon, his name was added as sponsor of **House Joint Resolution No. 276**.

WEDNESDAY, APRIL 9, 2003 -- 28TH LEGISLATIVE DAY

On motion of Senators Cohen, Dixon, Ford, Kyle and Norris, their names were added as sponsors of **House Joint Resolution No. 278**.

On motion of Senator Burks, her name was added as sponsor of **Senate Bills Nos. 272, 526, 836 and 1499**.

ENGROSSED BILLS

April 9, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 526, 791, 792, 949, 950, 987, 1650, 1927, 1978, 1979, 1980 and 2004; and Senate Joint Resolutions Nos. 215, 222, 223, 224, 225, 226, 227, 228 and 229; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

April 10, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1499, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 10, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 523, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 10, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 614, 991, 1580 and 1740; substituted for House Bills on same subjects and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 10, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 214, 567, 1040, 1249, 1283, 1373 and 1747; passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 10, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 82, 206, 207, 208, 209, 213, 239 and 240; concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 10, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 148, 215, 222, 223, 224, 225, 226, 227, 228 and 229; concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 10, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 297, 298, 299, 300, 301, 303, 304, 305, 306, 307 and 308; adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

ENROLLED BILLS

April 9, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bills Nos. 134, 495, 546, 662, 774, 812, 1690 and 1938; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENROLLED BILLS

April 10, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Resolutions Nos. 26 and 33; and Senate Joint Resolutions Nos. 82, 148, 206, 207, 208, 209, 213, 215, 222, 223, 224, 225, 226, 227, 228, 229, 239 and 240; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

April 8, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 287, 512 and 571; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 10, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 269, 270, 272, 273, 275, 276 and 278; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

SIGNED

April 9, 2003

The Speaker announced that he had signed the following: Senate Bill Nos. 134, 495, 546, 662, 774, 812, 1690 and 1938; and House Bills Nos. 287, 512 and 571.

SIGNED

April 10, 2003

The Speaker announced that he had signed the following: Senate Resolutions Nos. 26 and 33; and Senate Joint Resolutions Nos. 82, 148, 206, 207, 208, 209, 213, 215, 222, 223, 224, 225, 226, 227, 228, 229, 239 and 240.

SIGNED

April 10, 2003

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 269, 270, 272, 273, 275, 276 and 278.

MESSAGE FROM THE HOUSE

April 10, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 134, 495, 546, 662, 774, 812, 1690 and 1938; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 10, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 82, 148, 206, 207, 208, 209, 213, 215, 222, 223, 224, 225, 226, 227, 228, 229, 239 and 240; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

April 10, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 134, 495, 546, 662, 774, 812, 1690 and 1938; and Senate Joint Resolutions Nos. 82, 148, 206, 207, 208, 209, 213, 215, 222, 223, 224, 225, 226, 227, 228, 229, 239 and 240; for his action.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR #1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, April 14, 2003: Senate Bills Nos. 65, 421, 629, 840, 859, 878, 902, 1389, 1391, 1603, 1787, 1954 and 1974.

This the 9th day of April, 2003.
CROWE, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR #2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, April 14, 2003: House Joint Resolutions Nos. 277, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295 and 296; Senate Joint Resolutions Nos. 216, 217, 218, 219, 230, 231, 232, 234, 243, 244, 245, 246, 247, 248, 249, 250 and 251; and Senate Resolutions Nos. 27, 28 and 29.

This the 9th day of April, 2003.
CROWE, Chairperson.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, April 14, 2003: Senate Bills Nos. 195, 365, 588, 422, 664, 751, 806, 940, 1573, 1930, 720 and 1689.

This the 9th day of April, 2003.
CROWE, Chairperson.

ADJOURNMENT

Senator Crutchfield moved the Senate adjourn pursuant to Senate Joint Resolution No. 201 until 5:00 p.m., Monday, April 15, 2003, which motion prevailed.